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SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 22, 2012

Senate Chamber

At the request of the President Pro Tempore, Senator Darrington called the Senate to order at 10 a.m.

Roll call showed all members present except President Pro Tempore Hill and Senators Davis, Fulcher, Malepeai, McGee, McKenzie, and Siddoway, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Marc Christensen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 21, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 22, 2012

The JUDICIARY AND RULES Committee reports that [S 1336](#), [S 1337](#), [S 1338](#), [S 1339](#), [S 1340](#), and [S 1341](#) have been correctly printed.

DARRINGTON, Chairman

[S 1336](#) was referred to the State Affairs Committee.

[S 1337](#), [S 1338](#), [S 1339](#), [S 1340](#), and [S 1341](#) were referred to the Judiciary and Rules Committee.

February 21, 2012

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Sara B. Thomas as the State Appellate Public Defender, term to expire August 1, 2014.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 21, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 407](#), [H 408](#), [H 409](#), and [H 469](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 407](#), [H 408](#), [H 409](#), and [H 469](#) were filed for second reading.

February 21, 2012

The TRANSPORTATION Committee reports out [H 473](#) with the recommendation that it do pass.

HAMMOND, Chairman

[H 473](#) was filed for second reading.

February 21, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 417](#) with the recommendation that it do pass.

CORDER, Chairman

[H 417](#) was filed for second reading.

February 21, 2012

The EDUCATION Committee reports out [H 393](#), as amended, with the recommendation that it do pass.

GOEDDE, Chairman

[H 393](#), as amended, was filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 21, 2012

Dear Mr. President:

I transmit herewith [H 448](#), [H 497](#), [H 490](#), [H 441](#), [H 442](#), and [H 506](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 448](#), [H 497](#), [H 490](#), [H 441](#), [H 442](#), and [H 506](#) were filed for first reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 448](#) and [H 497](#), by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 490](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 441](#) and [H 442](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 506](#), by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 405](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1333](#), by Finance Committee, was read the second time at length and filed for third reading.

[S 1294](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1299](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1256](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

The Acting President announced that the State Affairs Committee report relative to the Gubernatorial reappointment of E. Robert (Bob) Mooney was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Stennett, the Gubernatorial reappointment of E. Robert (Bob) Mooney as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Acting President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Sam Haws was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Bilyeu, the Gubernatorial appointment of Sam Haws as the Administrator of the Office on Aging was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Acting President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of John Randolph MacMillan was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heider, seconded by Senator Stennett, the Gubernatorial reappointment of John Randolph MacMillan as

a member of the Board of Environmental Quality was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators McKenzie and Siddoway were recorded present at this order of business.

The Acting President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Kevin C. Boling was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Vick, seconded by Senator Stennett, the Gubernatorial appointment of Kevin C. Boling as a member of the Board of Environmental Quality was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Acting President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Nick Purdy was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Bilyeu, the Gubernatorial reappointment of Nick Purdy as a member of the Board of Environmental Quality was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Acting President announced that [SCR 116](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Stennett, [SCR 116](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Pro Tempore Hill and Senators Davis and Malepeai were recorded present at this order of business.

[S 1283](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate.

Pursuant to Senate Rule 39(H), Senator Siddoway disclosed a possible conflict of interest under applicable law.

On request by Senator Davis, granted by unanimous consent, [S 1283](#) retained its place on the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the Acting President appointed Senator Corder, Chairman, and Senators Broadsword, and Bilyeu to escort The Honorable Mike Crapo, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The Acting President thanked Senator Crapo for his remarks and Senators Corder, Broadsword, and Bilyeu escorted him from the Chamber, and the Committee was discharged.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1283](#), having been held, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Brackett disclosed a possible conflict of interest under applicable law.

Senator Fulcher was recorded present at this order of business.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Cameron, Darrington, Fulcher, Hammond, Heider, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Vick, Winder. Total - 17.

NAYS—Bilyeu, Bock, Broadsword, Corder, Davis, Goedde, Hill, Johnson, Keough, LeFavour, Malepeai, Schmidt, Smyser, Stennett, Tippetts, Toryanski, Werk. Total - 17.

Absent and excused—McGee. Total - 1.

Total - 35.

A tie vote having resulted in the roll call, the Acting President declared that [S 1283](#) had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, [S 1296](#) was recommitted to the Agricultural Affairs Committee.

[S 1302](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McGee. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1302](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

At this time Senator Davis arose on a point of personal privilege to recognize the distinguished justices of the Idaho Supreme Court and judges of the Idaho District Courts and Idaho Magistrate Courts.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Thursday, February 23, 2012.

DENTON DARRINGTON, Acting President

Attest: JENNIFER NOVAK, Secretary